

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KAREN SAUNDERS,)	
Plaintiff,)	
)	Case No. 1:17-cv-00335
v.)	
)	Hon. Judge Gordon J. Quist
DYCK O'NEAL, INC.,)	Hon. Mag. Judge Ray Kent
Defendant.)	

PLAINTIFF'S STATEMENT REGARDING PENDING DISCOVERY MOTIONS

Pending before Judge Kent are two discovery motions: Dkt. No. 93, Plaintiff's Motion for Protective Order, and Dkt. No. 99, Plaintiff's Motion to Compel Production of Placement Data. Plaintiff files this document pursuant to Dkt. No. 100, directing that Plaintiff notify the Court as to which issues remain in dispute. These motions are set for hearing August 19, 2019.

Protective Order Motion. Dkt. No. 93. The issues in this motion remain live. Plaintiff also reports that despite Plaintiff's agreement that Defendant would be able to obtain the information after the discovery period if the Court permits the discovery, DONI served its subpoena without telling plaintiff, anyway, and has obtained the objected-to data and has not agreed to sequester such. In addition to the relief sought in the motion, including Plaintiff's supplement, Dkt. No. 101, Plaintiff seeks an order directing that all copies of the subpoenaed consumer cell phone data be destroyed, as well as appropriate sanctions for proceeding with the subpoena while a protective order motion was on file. *Mann v. Univ. of Cincinnati*, 152 F.R.D. 119, 126 (S.D. Ohio 1993), *aff'd*, 114 F.3d 1188 (6th Cir. 1997) (unpublished opinion) (affirming sanctions where attorney obtained contested records through subpoena while protective order motion was pending).

Motion to Compel. Dkt. No. 99. This motion has been mostly resolved. DONI voluntarily

produced the materials that were the subject of this motion. And while Plaintiff and her expert are still reviewing them for completeness, Plaintiff is comfortable withdrawing the motion without prejudice, except that Plaintiff requests three extra weeks to furnish her expert report. While Plaintiff has already disclosed the identity of her expert, she did not timely receive the placement data he will review and needs the extra time to integrate the placement data into her analysis.

Dated: August 15, 2019

Respectfully submitted,

KAREN SAUNDERS

By: s/ Alexander H. Burke

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CERTIFICATE OF SERVICE

I hereby certify that, on August 15, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/ Alexander H. Burke